

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM, State Bar No. 138213  
Supervising Deputy Attorney General  
3 JAMI L. CANTORE, State Bar No. 165410  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2569  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 ROSEY KIDD  
a.k.a., ROSEY MANOHAR KIDD  
14 901 West State Street  
Redlands, CA 92373  
15 Registered Nurse License No. 485890

16 Respondent.

Case No. 2007-255

**ACCUSATION**

17  
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 (Board), Department of Consumer Affairs.

23 2. On or about December 31, 1992, the Board issued Registered Nurse  
24 License No. 485890 to Rosey Kidd, also known as Rosey Manohar Kidd (Respondent). The  
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on February 29, 2008, unless renewed.

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1 . . . . .  
2 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
3 entries in any hospital, patient, or other record pertaining to the substances described in  
4 subdivision (a) of this section."

5 8. Health and Safety Code section 11173, subdivision (b), states:

6 . . . . .  
7 "No person shall make a false statement in any prescription,  
8 order, report, or record, required by this division."

9 9. California Code of Regulations, title 16, section 1442 states:

10 "As used in Section 2761 of the Code, 'gross negligence' includes an extreme  
11 departure from the standard of care, which, under similar circumstances, would have ordinarily  
12 been exercised by a competent registered nurse. Such an extreme departure means the failure to  
13 provide nursing care as required or failure to provide care or to exercise ordinary precaution in a  
14 single situation in which the nurse knew, or should have known, could have jeopardized the  
15 client's health or life."

16 10. California Code of Regulations, title 16, section 1443 states:

17 "As used in Section 2761 of the code, 'incompetence' means the lack of  
18 possession of or the failure to exercise that degree of learning, skill, care and experience  
19 ordinarily possessed and exercised by a competent registered nurse as described in Section  
20 1443.5."

21 11. California Code of Regulations, title 16, section 1443.5 states:

22 "A registered nurse shall be considered to be competent when he/she consistently  
23 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
24 sciences in applying the nursing process, as follows:

25 "(1) Formulates a nursing diagnosis through observation of the client's physical  
26 condition and behavior, and through interpretation of information obtained from the client and  
27 others, including the health team.

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"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Incompetence/Gross Negligence)

13. Respondent's license is subject to disciplinary action under Business and Professions Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct in that Respondent's conduct was incompetent and/or grossly negligent within the meaning of California Code of Regulations, title 16, sections 1442 and 1443, and as defined in California Code of Regulations, title 16, section 1443.5, in that while employed as a registered nurse at

1 Redlands Community Hospital, Respondent failed to provide care or exercise ordinary  
2 precaution, which she knew or should have known could jeopardize the patient's health or life as  
3 follows:

4 August 29, 2002:

5 a. At approximately 1300, Respondent wrote a verbal order from Dr. Howard  
6 for Demerol 50 mg and Vistaril 10 mg IV x 1 dose only. At approximately 1635, RN Hallberg  
7 wrote a verbal order from Dr. Howard clarifying the 1300 order as follows: "Do not give Vistaril  
8 IV." Below the 1635 clarification order, Respondent wrote a 1300 entry which stated Demerol  
9 50 mg and Phenergan 25 mg IV. Respondent then documented that Demerol 25 mg and  
10 Phenergan 12.5 mg were given IM. Respondent also wrote, "Order was written as Vistaril 10  
11 mg. Phenergan 12.5 mg IM was given and was charged as such."

12 b. There was no physician order in the patient records for Demerol 25 mg or  
13 Phenergan 12.5. The medication administered by Respondent was the wrong medication, the  
14 wrong route, and the wrong dose.

15 c. Respondent failed to document the medication administered to the patient  
16 in either the nursing notes or the Medication Administration Records.

17 February 17, 2004:

18 d. While working in the Labor Delivery Unit, Respondent committed a  
19 medication error by administering an IV bag of Potassium Chloride instead of a bag of  
20 Magnesium Sulfate. Respondent was the registered nurse assigned to this patient and responsible  
21 for the medication error.

22 e. Respondent failed to follow hospital protocol for drug administration in  
23 that she failed to check the label on the IV solution, failed to check the Medication  
24 Administration Record, failed to check the Physician Orders, and failed to check the IV label  
25 with the patient's identification band and date of birth.

26 f. Respondent failed to chart the medication that was administered in error  
27 and the amount that was administered. Respondent failed to note whether the patient's physician  
28 was notified or whether a repeat Potassium lab was drawn.

1 PRAYER

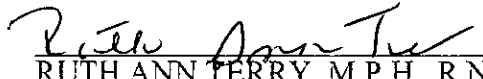
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged and that, following the hearing, the Board issue a decision:

4 1. Revoking or suspending Registered Nurse License No. 485890 issued to  
5 Rosey Kidd also known as Rosey Manohar Kidd;

6 2. Ordering Rosey Kidd to pay the Board the reasonable costs of the  
7 investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 125.3.

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 3/26/07

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14 RUTH ANN FERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 State of California  
18 Complainant  
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